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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,521	04/07/2005	Mark Andrew Sanders	3552-0127PUS1	5773

7590 09/21/2006

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EXAMINER

SCHARICH, MARC A

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/530,521	Applicant(s) SANDERS, MARK ANDREW	
	Examiner Marc A. Scharich	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/7/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-28 is/are allowed.
- 6) ☒ Claim(s) 1,3,11,17,19,and 29 is/are rejected.
- 7) ☒ Claim(s) 2,4-10,12-16,18 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/7/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of *all* possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Additionally, the specification is objected to because it does not contain headings for various sections *such as* "FIELD OF THE INVENTION", "BACKGROUND OF THE INVENTION", "SUMMARY OF THE INVENTION", "BRIEF DESCRIPTION OF THE DRAWINGS", and "DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS", *etc.* The examiner suggests adding appropriate headings throughout the entire specification where appropriate.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "pivot mounting 337" as described in the specification on page 21, line 30. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from

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the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are additionally objected to as failing to comply with 37 CFR 1.84(p)(4) because in Figure 3d, reference character "352" has been used to designate both "first attachment point 352" and "second attachment point 351". The leftmost reference character "352" should be changed to -- 351--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "internal spring" in line 3. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending "with internal spring" to -- with an internal spring --.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 contains the segment "wherein all or of the frame assembly is sprung to achieve an over centre action." The segment is considered ambiguous claim language and the examiner suggests amending the segment to clarify the claim language.

Finally, Claim 29 recites the limitation "internal spring" in line 3. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending "with internal spring" to -- with an internal spring --.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1,3, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Miranda, U.S. Patent No. 3,905,618. Miranda discloses a foldable three-wheeled vehicle (tricycle) (Figs. 1-4) further including a frame assembly comprising a rear frame portion (14) including mountings (26) for rear wheels (16); a forward frame portion (18) hingedly connecting to the rear frame portion [via a rigid coupling element (link 156)] such that the two [frame portions] are foldable *towards each other*, and hingedly connecting to the forward frame portion (18), a pivot assembly (168) for a mounting arm [dog ear] (152) that enables the mounting arm (152) to rotate to a position which readily accommodates folding the frame portions (14,18) *toward each other*, the mounting arm (152) including [connected to] a mounting (140) for a forward wheel (20) [via front fork (36)], wherein the rear frame portion (14) and pivot assembly (168) are coupled such that on folding of the frame portions towards each other, hinged movement of the pivot assembly (168) relative to the forward frame portion (18) moves the mounting arm (152) to increase the spacing between the forward frame portion (18) and the forward wheel mounting, as *illustrated in Figure 2*.

Allowable Subject Matter

5. Claims 24-28 are allowable, specifically due to independent Claim 24 containing the limitation "*wherein the rear frame portion and pivot assembly are coupled by a coupling that is provided with a tensioner for providing tension to said hinged connection between the forward and rear frame portions*".

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Claims 11,17, and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 2,4-10,12-16,18, and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All prior art cited on form PTO-892 relates to folding cycle structures, frames, and the like.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A. Scharich whose telephone number is (571) 272-3244. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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M.A.S. – 9/16/2006



Marc A. Scharich
Patent Examiner
Art Unit 3611



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